

**Enrolled Minutes of the Ninth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, May 12, 2008**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, May 12, 2008 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Dan Vassar, Brian Novak and Konnie Kuiper were present. Councilor Mark Herak was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the imminent agenda.
2. The Town Council discussed with the Town Attorney the IURC hearing, the action to withdraw from its jurisdiction and the procedure for the imminent meeting.
3. The Town Attorney noted this letters to the State Board of Accounts and presented copies for the members of the Town Council and the Clerk-Treasurer.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, May 12, 2008 at 7:01 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with Councilor Dan Vassar leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Dan Vassar, Brian Novak and Konnie Kuiper were present. Councilor Mark Herak was absent owing to work. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Council Attorney; John Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director and Alex M. Brown, CPRP, Parks and Recreation Superintendent.

Lisa Gauthier of the Special Events Advisory Committee; Leroy Fassett of the Shared Ethics Advisory Committee; Mary Rakoczy of the Lake County Convention and Visitors Bureau; George Georgeff, Jerry McMahon, and Keith Bruxvoordt of the Board of Waterworks Directors; and Ed Dabrowski of the Park and Recreation Board were also present.

Mr. Speros A. Batistatos, FCDME, President and CEO of the Lake County Convention and Visitors Bureau, was also present.

Minutes of the Previous Session

The minutes of the regular meeting of 28 April 2008 were approved by general consent.

Special Orders:

1. Consideration of **Introduced Ordinance No. 1386:** An Ordinance to Withdraw the Municipal Water Utility from the Jurisdiction of the Indiana Utility Regulatory Commission and Amending Section § 190.07 of the Highland Municipal Code, pursuant to IC 8-1.5-3-9.1. This ordinance was introduced and filed by Councilor Vassar at the Town Council Meeting of 25 February 2008. There was no further action pursuant to IC 8-1.5-3-9.1. *Final consideration of this ordinance could not take place until written notice of the meeting in which the ordinance is to be finally considered is mailed to all ratepayers and to the IURC at least thirty (30) days before. If the measure is approved, the ordinance becomes effective 60 days following its adoption, provided ratepayers do not exercise provisions set forth in IC 8-1.5-3-9.1(d). Notice of withdrawal must be mailed to the IURC within 30 days following the effective date of the ordinance pursuant to IC 8-1.5-3-9.1h).*
 - (a) Town Attorney verification of notice, under IC 8-1.5-3-9.1. The Town Attorney verified that the Town was in compliance with the relevant statute and indicated that owing to a complaint filed with the Public Access Counselor, the PAC had also determined that the Town had complied with the proper notice provisions.
 - (b) Public Comment on Ordinance No. 1386. The Town Council President called the hearing to order. The following comments were offered:
 1. Ray Goodrich, 3728 42nd Place, Highland, expressed his belief the remaining in the IURC offered more oversight on the rate setting process. Mr. Goodrich inquired what about the current system was not desirable. The Town attorney offered a response, summarizing much of the information set forth in the notice of hearing prepared for this meeting.
 2. Ronald Espin, 9311 Kleinman Road, Highland, inquired whether this effort meant that the Town intended to “privatize” the water utility. He was advised that the withdrawal would not result in the privatization of the water utility.
 3. Joseph Wszolek, 3731 42nd Place, Highland, inquired about the reference in the code citation that was published in the notice of meeting in which citizens during the 60 day period following adoption of an ordinance to withdraw from the IURC could initiate by petition a referendum for withdrawal.

Mr. Wszolek with leave from the Town Council, then read aloud a letter he stated was prepared by Robert Helmer, 3511-44th Street, Highland. Mr. Wszolek indicated that Mr. Helmer could not attend the meeting owing to a work conflict and asked Mr. Wszolek to read his letter aloud on his behalf. The letter expressed Mr. Helmer’s opposition to withdrawal from the IURC.
 4. Keith Bruxvoordt, 9038 Liable Road, Highland, noted that he was presently serving as the President of the Board of Waterworks Directors. Mr. Bruxvoordt reported the frequent delays or protracted reviews of certain so-called “30 day filings” placed before the IURC. Mr. Bruxvoordt has noted that he had hoped that the previous Town Council, having been made aware of the Waterworks Board’s desire to withdraw from the IURC, would have take steps to move on this. Mr. Bruxvoordt expressed support for the withdrawal from the IURC.

With leave from the Town Council, Councilor Novak commented unfavorably on what he described as an anonymous letter he received that he believed was circulated through Town that was suggesting that the Town Council was seeking to withdraw from the IURC owing to its desire to increase rates. Councilor Novak expressed disfavor with the letter and expressed his belief that the flyer was misrepresenting the hearing and the issue to the detriment of the

Town and in attempt to mischaracterize the Town Council. Councilor Novak indicated that he support the measure in the belief that it would lower costs. Councilor Novak further expressed that he did not favor rate increases.

5. John Koval, 9626 Delaware Place, Highland, inquired about a guarantee that rates remain low and inquired why water rate payers were paying for hydrants (maintenance).
6. Tom Sandrick, owner of Car Wash at 3838 Ridge Road, Highland, inquired whether or not there was a history of rate increases for those utilities that had withdrawn from the IURC as opposed to before and if so what that may reveal.
7. Ray Goodrich, 3728 42nd Place Highland, expressed his concern about the adequacy of "checks and balances" if the utility was with drawn from the jurisdiction of the IURC. Mr. Goodrich noted that the waterworks board is appointed by the Town Council President and then the work is reviewed by the Town Council instead of the IURC.
8. Mr. Wszolek, 3731 42nd Place, Highland, referencing the comment offered by Mr. Bruxvoordt, regarding the prior Town council's inaction on the matter, expressed his objections to it. (Mr. Wszolek was a member of the previous Town Council, from the fourth Ward. Mr. Wszolek did not succeed himself for re-lection).
9. Mark Roorda, 3254 Glenwood Avenue, Highland, inquired how the process for setting rates would change if the ordinance for withdrawal was adopted. He was advised under the current system, the Waterworks Board conducts a local hearing in which its sets rates and then a hearing is conducted before the IURC before the rates are effective. In the proposed process, the Waterworks Board would propose rates in an open meeting, and then the rate change would be considered by the Town Council after a public hearing.
10. Jerry McMahon, 10124 Fourth Place, Highland, identified himself as a member of the Board of Waterworks Directors, and expressed his support of the action to withdraw from the jurisdiction of the IURC.
11. George Georgeff, 2251 Oakdale, Highland, identified himself as a member of the Board of Waterworks Directors and indicated that a recently commissioned rate study indicated that the a rate increase was not needed. Mr. Georgeff indicated that no rate increase was imminent.
12. Mr. Wszolek, 3731 42nd Place, Highland, inquired about the need for acting to withdraw from the IURC at the present time if no rate increase was imminent.

There were no further comments. The Town Council President closed the hearing.

- (c) Action on introduced **Ordinance No. 1386**. Councilor Vassar moved the passage and adoption of Ordinance No. 1386. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and negatives. The motion passed. The ordinance was adopted, subject to the provisions of IC 8-1.5-3-9.1 and the sixty-day post adoption period.

ORDINANCE No. 1386
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to WITHDRAW THE HIGHLAND WATERWORKS UTILITY FROM THE JURISDICTION of the INDIANA UTILITY REGULATORY COMMISSION and AMEND CHAPTER 190 of the HIGHLAND MUNICIPAL CODE REGARDING the DEPARTMENT of WATERWORKS by REPEALING in its ENTIRETY SECTION 190.07, and AMENDING it through the PASSAGE and ADOPTION of a SUCCESSOR SECTION 190.07, and ADDING A NEW SECTION TO BE STYLED §190.11 REGARDING RATES AND CHARGES, all PURSUANT to I.C. 36-1-4, IC 36-1-5, IC 8-1.5-3-9.1 and IC 8-1.5-4 ET SEQUITOR.

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

WHEREAS, The Town of Highland, is a municipality located in Lake County, which operates a water utility, which has been continuously governed by the provisions of IC 8-1.5-4 at least since 1983;

WHEREAS, The Town of Highland, through its Town Council now wishes to further perfect its own organization as well as that of the water utility and make additional technical corrections and enhancements the provisions of the municipal code establishing and governing the Department of Waterworks, pursuant to IC 8-1.5-4;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Town Council as the municipal fiscal and legislative body makes the following findings and determinations:

(A) That Board of Directors of the Highland Department of Waterworks did pass and adopt Resolution No. 2008-03, expressing its sense of the Board that *withdrawal from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness* is desirable and urges the Town legislative body to take steps necessary to execute this recommendation;

(B) That the Town of Highland currently operates a wastewater utility and a storm water utility, for which rates are recommended by the Board of Sanitary Commissioners but not effective unless approved by the elected officers of the Town Council. Presently, water utility rates are set by the Board of Waterworks Directors. However these rates are not effective unless approved by the Indiana Utility Regulatory Commission instead of locally elected officials who are directly accountable to the people and ratepayers of the Highland;

(C) That when acting to meet its legal requirement to adopt reasonable, just and non-discriminatory charges that are sufficient to meet its obligations as set forth in IC 8-1.5-3-8(c) and (d), under the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, the Highland Department of Waterworks often must hire additional outside counsel, and participate in hearings conducted not locally but in Indianapolis, that by its distance can be a barrier for local rate payers to be able to observe and participate in the important matter of rate setting by the municipal utility;

(D) That the publicly operated water works which supplies potable water to the Highland Department of Waterworks, recently increased its wholesale rate to the Department by 4¢, represented by the supplier to be a capital improvements surcharge, and therefore barring the Highland Department of Waterworks from employing the tracker provisions in the approved rate tariff to preserve its lawfully approved rate of return;

(E) That under the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, employs the same regulatory scheme and rationale for the private, publicly traded *for-profit* utilities as it uses for the non-profit, municipal utilities. This regulatory scheme that does not take in account the absence of a "profit-motive" and the other dynamics – such as local citizen rate setting boards and elected official oversight -- which work to the benefit of consumers and rate payers in municipal utilities, often makes the regulatory process unduly cumbersome, and costly to the effective and efficient operation of the municipal water utility;

(F) That many other municipalities in northwest Indiana have removed their water utilities from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness;

(G) That it is believed to be of greater operational economy and public benefit to operate the municipal utility with sound stewardship that complies with the law requiring rates and charges that are reasonable, just, non-discriminatory and sufficient, maintaining sensitivity to the interests and economic concerns of ratepayers and consumers, by providing greater local control and oversight for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness;

Section 2. That for the forgoing finding, determinations and reasons, the Highland Town Council as the municipal fiscal and legislative body hereby *removes* the Highland Department of Waterworks and the municipal water utility from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, all pursuant to IC 8-1.5-3-9.1;

Section 3. That Section § 190.07 of the Highland Municipal Code is hereby amended by repealing it in its entirety, and replacing it with a successor section, to be styled as §190.07, which shall read as follows:

§ 190.07 RATES AND CHARGES; BUDGETING.

(A) Pursuant to I.C. 8-1.5-4-1.5(b), the Board of Waterworks Directors of the Department of Waterworks shall operate as both the board and the municipal legislative body for the purposes of I.C. 8-1.5-3-4 and I.C. 8-1.5-3-8.

(B) The Board shall submit a budget of its financial needs for the next year in the detail it requires.

(C) The Board shall recommend to itself the **Town Council** reasonable and just rates and charges for services to the patrons of the water utility.

(D) The rates and charges made by a municipality for a service rendered or to be rendered, either directly or in connection therewith, must be nondiscriminatory, reasonable, and just.

(E) REASONABLE AND JUST RATES AND CHARGES FOR SERVICES means rates and charges that produce sufficient revenue to:

including:

(1) Pay all the legal and other necessary expenses incident to the operation of the utility,

- (a) Maintenance costs;
- (b) Operating charges;
- (c) Upkeep;
- (d) Repairs;
- (e) Depreciation; and
- (f) Interest charges on bonds or other obligations, including leases.

(2) Provide a sinking fund for the liquidation of bonds or other obligations, including leases;

(3) Provide a debt service reserve for bonds or other obligations, including leases, in an amount established by the municipality, not to exceed the maximum annual debt service on the bonds or obligations or the maximum annual lease rentals;

(4) Provide adequate money for working capital;

(5) Provide adequate money for making extensions and replacements to the extent not provided for through depreciation in division (E)(1); and

(6) Provide money for the payment of any taxes that may be assessed against the utility.

(F) All approved rates and charges must produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service. Rates and charges too low to meet these requirements are unlawful.

(G) The Board may recommend for the consideration of the legislative body rates and charges sufficient to include a reasonable return on the utility plant of the municipality, **subject to the provisions of this chapter.**

(H) Rates and charges established under this chapter are subject to the approval of:

- (1) The Board of Waterworks Directors by proper enactment; and
- (2) The Town Council in accordance with the procedures set forth in ~~IC 8-1-2~~ IC 8-5-3-8.1 and Section § 190.07(I).

(I) Rates and charges shall be recommended by the Board of Waterworks Directors, **after it conducts a proper rate study. The Board shall transmit its recommendation to the Town Council for rates and charges in the form of a proposed ordinance. Before the rates and charges may go into effect, the following procedures must take place:**

(1) After the introduction of the ordinance establishing the rates and charges under this chapter, but before the ordinance is finally adopted, the municipal legislative body shall hold a public hearing at which users of the waterworks, owners of property served or to be served by the waterworks, and other interested persons may be heard concerning the proposed rates and charges.

(2) Notice of the hearing, setting forth the proposed schedule of rates and charges, shall be:

- (a) published in accordance with IC 5-3-1 (IC 5-3-1-1 through IC 5-3-1-9);**
- (b) mailed to owners of vacant or unimproved property if the ordinance includes a fee for water service to vacant or unimproved property; and**
- (c) mailed to users of the waterworks located outside the municipality's corporate boundaries.**

(3) The notice may be mailed in any form so long as the notice of hearing is conspicuous. The hearing may be adjourned from time to time.

(4) After the hearing, the municipal legislative body shall adopt the ordinance establishing the rates and charges, either as originally introduced or as modified. A copy of the schedule of rates and charges adopted shall be kept on file and available for public inspection in the offices of the board and the municipal clerk.

(J) The rates and charges established for any class of users or property shall be extended to cover any additional property that is subsequently served and falls within the same class, without any hearing or notice.

(K) The municipal legislative body may change or readjust the rates and charges in the same manner as they were established.

(L) Rates and charges collected under this chapter are considered revenues of the waterworks.

Section 4. That Chapter 190 of the Highland Municipal Code, is hereby amended to include a new section, styled as §190.11 to be titled *Schedule of Rates and Charges*, which shall read as follows:

§ 190.11 SCHEDULE OF RATES AND CHARGES

(A) *Schedule of Recurrent Usage ratio and charges.* For the use of and the service rendered by the water utility of the Town of Highland, Indiana, the following rates and charges are established based upon the amount of water supplied by said water utility.

(1)	<u>Consumption Per Month</u>	<u>Per 1,000 Gallons</u>
	First 3,000	\$ 2.25
	Next 2,000	2.24
	Next 10,000	1.76
	Next 20,000	1.61
	Next 40,000	1.43
	Over 75,000	1.29

(2) Minimum Monthly Charges

Each user shall pay a minimum charge in accordance with the following applicable size of meter installed for which the user will be entitled to the quantity of water set out in the above schedule of rates.

<u>Size of Meter</u>	<u>Minimum Gallons Allowed</u>	<u>Monthly Rates</u>
5/8"	3,000	\$ 6.75
3/4"	5,376	11.89
1"	8,948	18.18
1-1/4"	14,090	27.23
1-1/2"	20,661	37.94
2"	40,458	68.83
3"	103,313	154.75
4"	201,313	281.17
6"	470,647	628.81

(3) **Fire Protection Service Surcharge**

These charges are to be recovered from the customers of the waterworks as a monthly fee to be charged with the other charges on the utility bill, pursuant to IC 8-1.5-4-14(b):

<u>Size of Meter</u>	<u>Monthly Rates</u>
5/8"	\$ 2.26
1"	5.64
1 1/4 "	9.02
1 1/2"	11.28
2"	18.04
3"	33.83
4"	56.38
6"	112.77
8"	180.43

Private Fire Protection

Fire Sprinkler connection - per annum:

4" connection	\$ 187.20
6" connection	421.90
8" connection	563.05
10" connection	843.85
12" connection	1,405.35

(4) Temporary Users

Temporary users of hydrants shall be charged for the water used based on the rates set forth in the Schedule of Rates and Charges most currently in effect and prevailing.

(B) *Deferred payment fee.* All bills for water service not paid on the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of ten percent (10%) on the first three dollars (\$3.00) and three percent (3%) on the excess over three dollars (\$3.00). Also see delinquent charge.

(C) *Schedule of nonrecurring fees and charges.* The following additional fees and charges are set forth as follows:

(1) Service Deposit:

Residential.....	\$ 30.00
Small Business	50.00
Large business (Car wash, laundromat, restaurant.....	200.00
(see Rule 1.8)	

(2) Construction Water Use:

Without meter. See building inspector for charges
(See Rule 1.10)

(3) Service Charge for Meters:

3/4" (5/8")	\$ 100.00
1"	150.00
1 1/2"	300.00
For larger meters	Meter Cost plus 50.00

(4) Tapping / Inspection Charge

Residential	\$200.00
Commercial/Industrial	\$330.00

(5) Meter Testing.....\$ 15.00
(Also confer with Waterworks Department Rule 1.16(j))

(6) Read-O-Matics:

(7) Frozen or Carelessness/Repair of Meter:

Fee scheduled by water department (Also confer with Waterworks Department Rule 1.16 (e))

(8) Delinquent charge:

Three (3) percent per month on unpaid balance
Turn On & Turn Off Charge.....\$ 15.00
(See Rule 1.17;Rule 2.2)

(9) Bad Checks:.....\$ 7.50
(See section 20-32(a))

(10) Maintenance of Service Pipes & Meter Boxes:
(See section 20-29)

Section 5. Schedule of Implementation. The provisions of this Ordinance shall become and be in full force and effect sixty (60) days from and after the date of its passage and adoption upon the signature by the executive in the manner prescribed by IC 36-5-2-10(a) and IC 8-1.5-3-9.1 provided that written notice of its provisions regarding withdrawal from the Indiana Utility Regulatory Commission be transmitted to it within 30 days after this ordinance becomes effective.

Introduced and Filed on the 25th day of February 2008. Consideration on same day or at same meeting of introduction was not permitted pursuant to the terms of IC 8-1.5-3-9.1.

DULY ORDAINED and ADOPTED this 12th Day of May 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

2. Public Hearing: **Proposed Additional Appropriations in Excess of the FY 2008 Budget in the Motor Vehicle Highway (MVH) Fund, the amount of \$23,000.**

(a) Attorney Verification of Proofs of Publication. (IC 5-3-1;) TIMES 2 May 2008. The Town attorney indicated that the proofs were in compliance with IC 5-3-1.

(b) Public Hearing. The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.

(c) Action on **Appropriation Enactment No. 2008-18**: An Enactment Appropriating Additional Monies in Excess of the FY 2007 Budget in the amount of **\$23,000** in the **Motor Vehicle Highway (MVH) Fund**. Councilor Novak introduced and moved the consideration of Enactment No. 2008-18 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment could be considered on the same meeting of introduction. Councilor Novak moved the passage and adoption of Enactment No. 2008-18 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a 2.3rd vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment was adopted.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
Enactment No. 2008-18

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE MOTOR VEHICLE HIGHWAY FUND PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for **the Motor Vehicle Highway Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same:

MOTOR VEHICLE HIGHWAY FUND:

Acct. 111.31 Labors' wages.	<u>\$ 23,000.00</u>
Total 100 Series	\$ 23,000.00
Total for Fund:	<u><u>\$ 23,000.00</u></u>

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure subject to an order of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12th Day of May 2008. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of May 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Special Presentation/Report from Mr. Speros A. Batistatos, FCDME, President and CEO of the Lake County Convention and Visitors Bureau.** Mr. Batistatos acknowledged Mary Rakoczy, Highland's appointment to the Lake County Convention and Visitors Bureau. Mr. Batistatos offered a brief report on the impact that the convention and visitors economy has in Lake County. He further indicated that this was an outreach visit to communities with representatives on the Board of Directors.

Comments from the Public for Matters on the Agenda

1. Ann Galeta, 3623 44th Street, Highland, a resident of the Boulevard estates subdivision, indicated that she had canvassed residents in the subdivision and represented their and her opposition to any extension of the non-conforming use agreement with the Scheeringa Trust that would permit continuation of semi and tractor-trailer parking at the Kleinman Road residential property. (It was noted that the agreement had permitted the non-conforming use to continue during the life of Mrs. Grace Scheeringa, who was the sole resident of the property. Mrs. Scheeringa was recently deceased.)
2. Joseph Wszolek, 3731 42nd Place, Highland, represented that he had a letter from Mr. Robert Helmer, 3511 44th Street, Highland, who could not be present but asked that his letter be read aloud. With leave from the Town Council, Mr. Wszolek was permitted to read the letter aloud. The letter communicated Mr. Helmer's desire that the terms of the non-conforming agreement which would prohibit the extension of the Semi- and Tractor trailer parking at the 8913 Kleinman Avenue residence.
3. Ms. Galeta, 3623 44th Street, Highland, represented that she also had a letter from Thomas and Mary Jo Magee, 9605 Boulevard Drive, Highland expressing unhappiness with the non-conforming use and expressing the desire to see it ended.
4. Jeri Savin, _____ 44th Street, Highland, expressed objection to extending the non-conforming use and inquired why it was ever permitted.
5. Dennis Adams, 8421 Delaware Place, Highland, represented that through his wife's efforts, an ordinance prohibiting semi-trucks from parking in Town was adopted. Mr. Adams expressed opposition to extending the non-conforming use.
6. Ken Scheeringa, representing the Scheeringa Family trust, expressed respect for the nearby neighborhood. He further described nearby Cline Avenue as a truck route. He expressed concern for the truck drivers who were parking on the property to find alternative parking.

There were no further comments from the public.

Communications:

1. A letter was read aloud from Arnold, Myron, Joseph Susoreny and Naudeen Thomas requesting a license to encroach upon an easement for property located at 8625 Liable Road, Highland.

(a) **Resolution No. 2008-20:** A Resolution Authorizing, Establishing, Granting and Approving a License to Encroach upon the Public Way to *Arnold, Myron, Joseph Susoreny and Naudeen Thomas* for property located at 8625 Liable Road, Highland, Indiana, and to their Heirs, Successors, and Assigns. Councilor Vassar moved the passage and adoption of Resolution No. 2008-20. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland
TOWN COUNCIL
Resolution No. 2008-20**

A Resolution Authorizing, Establishing, Granting and Approving a License to Encroach upon the Public Way to *Arnold, Myron, Joseph Susoreny and Naudeen Thomas* for property located at 8625 Liable Road, Highland, Indiana, and to their Heirs, Successors, and Assigns

WHEREAS, *Arnold, Myron, Joseph Susoreny and Naudeen Thomas*, (Grantee) are the owners of property located in the Town of Highland, Lake County, Indiana, (Grantor) which is legally described as follows:

The North 74 Feet of the South 438 Feet of the West Half of the West Half of the Northwest Quarter of the Southeast Quarter of Section 22, Township 36 North, Range 9 West of the Second Principal Meridian, except the East 140 feet thereof in the Town of Highland, Lake County, Indiana, more commonly known as 8625 Liable Road, Highland, Indiana.

WHEREAS, The subject property lies north of a platted 60 foot, unimproved, public right-of-way particularly illustrated in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, The subject right-of-way was platted for the purpose of an improved public way extension of Condit Street, which has not been improved for the purpose as originally platted; and

WHEREAS, *Arnold, Myron, Joseph Susoreny and Naudeen Thomas*, per the attached letter (Exhibit B), incorporated by reference and made part of this Resolution, have proposed and requested a "Right of Encroachment", hereinafter referred to as "license", to permit the encroachment of an existing driveway on the public right-of-way; and

WHEREAS, The Town of Highland, through its Town Council, has determined that such a license, which grants such an encroachment so long as such encroachment does not interfere with the Town of Highland's use of its right-of-way, would be acceptable.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of Highland, Indiana that the proposed "License to Encroach" is hereby approved and ratified in each and every respect.

BE IT FURTHER RESOLVED that the Town Council President is hereby authorized to execute the written License by his signature as thereto attested by the Clerk-Treasurer and that the License shall be recorded in the Office of the Recorder, Lake County, Indiana.

DULY ADOPTED by the Town Council of the Town of Highland this 12th day of May, 2008. Having been approved by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

License to Encroach

1. *Arnold, Myron, Joseph Susoreny and Naudeen Thomas* (**Grantee**) are the owners of certain real estate legally described as follows:

The North 74 Feet of the South 438 Feet of the West Half of the West Half of the Northwest Quarter of the Southeast Quarter of Section 22, Township 36 North, Range 9 West of the Second Principal Meridian, except the East 140 feet thereof in the Town of Highland, Lake County, Indiana, more commonly known as 8625 Liable Road, Highland, Indiana.

2. The Town of Highland (Grantor) maintains a 60' public right-of-way south of the Grantee's property, identified as Condit Street.

3. In consideration of the conditions expressed herein, the Grantor hereby grants to the Grantee a License to Encroach upon a portion of the public right-of-way, hereinafter referred to as "Licensed Public Right-of-Way", legally described as follows:

The North 60 feet of the South 364 feet of the West half of the West Half of the Northwest Quarter of the Southeast Quarter of Section 22, Township 36 North, Range 9, West of the Second Principal Meridian excepting there from the West 30 feet thereof, and also excepting the East 140 feet thereof, in the Town of Highland, Lake County, Indiana.

4. The License to Encroach is limited to the driveway existing at the time of this agreement, installed pursuant to the guidelines of the Highland Municipal Code, to encroach upon the Licensed Public Right-of-Way and that there shall be no other permanent structures constructed thereon, including but not limited to garages, sheds, swimming pools, decks, patios (concrete or otherwise), etc., with such driveway to be permitted to remain until such time as the Town may extend and improve the public right of way identified as Condit Street.

5. The Grantee agrees to defend, indemnify and hold the Grantor, its agents, officers, and employees harmless from any liability for any injury, claim or cause of action arising out of the encroachment onto the Licensed Public Right-of-Way.

6. The License to Encroach does not supersede the present or future rights, statutory or otherwise, of the Public Utilities, including but not limited to, the Northern Indiana Public Service Company, AT&T, Comcast, Highland Sanitary District, Highland Water Works District or their respective heirs, successors, and assigns, currently operating within the existing Public right-of-way.

7. The Grantee agrees to maintain the Licensed Public Right-of-Way, without compensation, during the period that the License to Encroach is in full force and effect.

8. This License to Encroach shall be binding upon the heirs, successors, and assigns of the parties hereto.

Grantor:

Town of Highland

Bernie Zemen

Attest:

Michael W. Griffin, Clerk Treasurer

Grantee:

***Arnold, Myron, Joseph Susoreny
and Naudeen Thomas***

Arnold Susoreny

Myron Susoreny

Joseph Susoreny

Naudeen Thomas

State of Indiana)
County of Lake) SS:

Before me, the undersigned, a Notary Public in and for the State of Indiana, County of Lake, personally appeared the *Arnold, Myron, Joseph Susoreny and Naudeen Thomas*, and acknowledged their execution of this License to Encroach on this _____ of _____, 2008, for the uses and purposes set forth therein.

Notary Public

Commissions Expires:

County of Residence: _____

907 RIDGE ROAD
MUNSTER, IN 46321

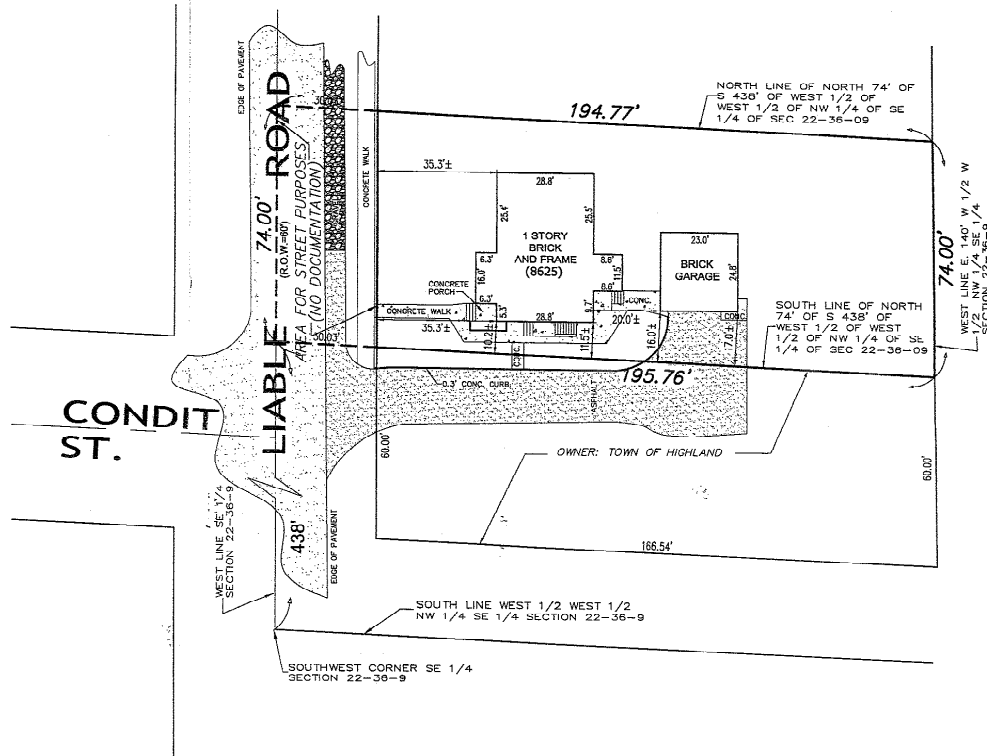
TORRENGA SURVEYING, LLC
PROFESSIONAL LAND SURVEYORS

TEL NO.: (219) 836-8918
FAX NO.: (219) 836-1138
WEB: WWW.TORRENGA.COM

SURVEYOR LOCATION REPORT

ADDRESS: 8625 LIALE ROAD
HIGHLAND, INDIANA

LEGAL DESCRIPTION: THE NORTH 74 FEET OF THE SOUTH 438 FEET OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, EXCEPT THE EAST 140 FEET THEREOF, IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA.



Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for April 2008**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	1	1	0	\$190,200.00	\$2,120.00
Duplex/Condo	1	1	0	\$180,000.00	\$2,010.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	106	106	0	\$565,888.00	\$11,513.00
Addit/Remodel					
Commercial	6	0	6	\$362,588.00	\$12,032.00
Addit/Remodel					
Sheds	0	0	0	\$0.00	\$0.00
Fences	19	19	0	\$47,052.00	\$1,614.00
Garage	1	1	0	\$13,635.00	\$317.00
Swimming Pools	5	5	0	\$27,400.00	\$100.00
Misc. Permits	1	1	0	\$4,215.00	\$106.00
Misc. other	1	1	0	\$3,000.00	\$86.00
Signs	4	0	4	\$48,650.00	\$1,064.00
Fire Repair	0	0	0	\$0	\$0
Total:	145	135	10	\$1,442,280.00	\$30,962.00
Electrical Permits	23	21	2		\$2,079.00
Plumbing Permits	8	8	0		\$662.00
Water Meters	3	3	0		\$300.00
Water Taps	0	0	0		\$0.00
Sewer Taps	2	2	0		\$600.00
Total:	13	13	0		\$1,562.00

April Code Enforcement: 91 warnings issued and 4 citations were issued.

There were 18 final building inspections, 5 plumbing inspections, and 13 electrical inspections. There was 1 electrical exam given.

• **Fire Department Report for April 2008**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	13	49	52	
Car Fires	3	5	2	
Still Alarms	9	26	34	
Ambulance calls	0	1	0	

• **Workplace Safety Report for April 2008**

There were five incidents reported in April. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2008	Total in 2007	Restricted Days 2008	Lost Workdays This Year	Restricted Days Last Year (2007)	Lost Workdays Last Year (2007)
Parks	0	1	6	0	0	0	0
Fire	0	1	1	0	0	0	0
Police	2	2	10	0	0	55	70
Street	2	2	2	0	0	0	0
Water & Sewer	0	3	3	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	3	0	0	0	0
TOTALS	1	9	25	0	0	55	70

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1393:** An Ordinance to Amend the Subchapter styled as Funds in the Highland Municipal Code, in order to revise certain provisions and to establish new provisions related to the Main Square Cash Change of the Town of Highland, all Pursuant to IC 36-1-8 and IC 36-1-3 et seq. This ordinance if adopted will raise the cash change fund at public works from \$25 to \$50 and establish a cash change fund for use at Main Square Park.

Councilor Novak introduced and moved consideration of Ordinance No. 1393 on the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered. Councilor Vassar moved passage and adoption of Ordinance No. 1393 on the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a 2/3rd vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1393
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE TO AMEND THE SUBCHAPTER STYLED AS FUNDS in the HIGHLAND MUNICIPAL CODE, IN ORDER TO REVISE CERTAIN PROVISIONS AND TO ESTABLISH NEW PROVISIONS RELATED TO THE MAIN SQUARE CASH CHANGE of the TOWN OF HIGHLAND, ALL PURSUANT TO IC 36-1-8 AND IC 36-1-3 ET SEQ.

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-1-8-2 authorizes the fiscal body of a political subdivision to permit any of its officers or employees having a duty to collect cash revenues to establish a cash change fund;

WHEREAS, IC 36-1-8-3 (a) authorizes the fiscal body of a political subdivision to establish a petty cash fund for any of its offices in a like manner to the prescribed under IC 36-1-8-2;

WHEREAS, The Town Council has enacted certain ordinances regarding the Council of Community Events, a board of the unit organized pursuant to I.C. 36-1-3 et seq.;

WHEREAS, The Town Clerk-Treasurer has advised the Town Council of the desirability of re-establishing certain cash change and petty cash funds some of which are in operation or existence but for which the enabling or authorizing enactments cannot be identified;

WHEREAS, The proper officer of the Council of Community Events has advised the Town Council of the desirability of amending the authorized amounts of its certain petty cash fund;

WHEREAS, The Town Council has determined that it would be of great public benefit to establish additional cash change and petty cash funds or to amend existing ones to support and carryout the public purposes of the municipality and its utilities;and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the following sections of the Highland Municipal Code in order to further perfect the operation of the Town and its utilities;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 150 of the Highland Municipal Code be amended by adding a new Section to be numbered §150.64, which shall read as follows:

§ 150.64 MAIN SQUARE CASH CHANGE FUND.

(A) There is hereby authorized, created and established a cash change fund for use at the Main Square Park to be known as the Main Square Cash Change Fund, pursuant to the provisions of I.C. 36- 1-8 et seq.;

(B) That the Superintendent of Parks and Recreation and such employees as he may designate, are permitted to collect cash revenues at the buildings and grounds of the Main Square Park, in order to support the duties outlined in and to carryout the purposes of this chapter:

(1) That the Superintendent of Parks and Recreation is permitted to establish a cash change fund in support of this section;

(2) That such a fund must be established by a warrant drawn upon the appropriate fund in favor of the Superintendent of Parks and Recreation, who is the custodian of the fund;

(C) That the fund shall be established by a warrant drawn from the proper appropriated or non-appropriated balance of the Parks and Recreation (General) Fund, as the Park and Recreation Board may direct, in the amount of \$175, in support of the establishment of such a cash change fund:

(1) That the establishing warrant and such successive warrants as shall be necessary to re-supply the fund, shall be drawn in favor of the Superintendent of Parks and Recreation who shall convert the warrant to cash;

(2) That the Superintendent of Parks and Recreation and such employees as he may designate, shall use it to make change when collecting cash revenues for programs or activities conducted at the Main Square Park; and

(3) That the Superintendent of Parks and Recreation shall account for it in the same manner as is required of other funds of the town;

(D) That the entire cash change fund authorized and established pursuant to this section shall be returned to the Parks and Recreation (General) Fund whenever there is a change in the custodian of the fund;

(E) That the entire cash change fund authorized and established pursuant to this section of this code shall be returned to the Parks and Recreation (General) Fund or in the absence of this fund, the Corporate General Fund of the municipality whenever the purposes of the fund have substantially changed or the fund is no longer needed.

Section 2. That Chapter 31 of the Highland Municipal Code be amended by repealing section §31.07 in its entirety and then adding a new section to be numbered § 31.07, which shall read as follows:

§ 31.07 PUBLIC WORKS CASH CHANGE FUND.

(A) There is hereby authorized, created and established a cash change fund for use in the Public Works Department to be known as the Public Works Cash Change Fund, pursuant to the provisions of IC 36- 1-8 et seq.;

(B) That the Public Works Director and such employees as he may designate, are permitted to collect cash revenues at the Public Works Facility offices of the Public Works Department, in order to support the duties outlined in and to carryout the purposes of this the Public Works Department:

(1) That the Public Works Director is permitted to establish a cash change fund in support of this section;

(2) That such a fund must be established by a warrant drawn upon the appropriate fund in favor of the Public Works Director, who is the custodian of the fund;

(C) That the fund shall be established by a warrant drawn from the proper appropriated or non-appropriated balance of the Corporation General or such other Fund, as the Town Council may direct, in the amount of **fifty dollars (\$50)**, in support of the establishment of such a cash change fund:

(1) That the establishing warrant and such successive warrants as shall be necessary to re-supply the fund, shall be drawn in favor of the Public Works Director who shall convert the warrant to cash;

(2) That the Public Works Director and such employees as he may designate, shall use it to make change when collecting rates and charges for programs or services performed under the authority of law by the Public Works Department; and

(3) That the Public Works Director shall account for it in the same manner as is required of other funds of the town;

(D) That the entire cash change fund authorized and established pursuant to this section shall be returned to the Corporation General Fund or its fund of origin whenever there is a change in the custodian of the fund;

(E) That the entire cash change fund authorized and established pursuant to this section of this code shall be returned to the Corporation General Fund or its fund of origin of the municipality whenever the purposes of the fund have substantially changed or the fund is no longer needed.

Section 3 Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and of no further force nor effect;

Section 4 Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a);

Introduced and Filed on the 12th Day of May 2008. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of May 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

/s/ Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Proposed Ordinance No. 1394:** An Ordinance to Amend the Highland Municipal Code, by establishing a New Subchapter, Authoring Several Methods of Payment to the Municipality all pursuant to IC 36-1-8 and IC 36-1-3 et seq. This ordinance if adopted will permit payment by cash, credit card, bankcard and electronic funds.

Councilor Vassar introduced and filed Ordinance No. 1394. There was no further action.

3. **Resolution No. 2008-19:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Office of the Town Council of the Corporation General Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6. This resolution reduces Town Council Attorney Compensation by \$5,830 and increases Legal Services line by same amount. Councilor Vassar moved the passage and adoption of Resolution No. 2008-19. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2008-19**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the Office of the Town Council of the CORPORATION GENERAL FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the Office of the Town Council of the Corporation General Fund;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the Office of the Town Council of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Office of the Town Council

Reduce Account #111.02 Compensation of Attorney	<u>\$ 5,830.00</u>
<i>Total 100 Series Reductions</i>	<u>\$ 5,830.00</u>

Increase Account #310.01 Legal Fees	\$ 5,830.00
Total 300 Series Increases	\$ 5,830.00

Total of All Fund Decreases:	\$ 5,830.00
Total of All Fund Increases:	\$ 5,830.00

DULY RESOLVED and ADOPTED this 12th Day of May 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. Town Council Instruction to Building Commissioner and proper officers on the matter of the Use Restriction and Covenant between the Town of Highland and the Scheeringa Living Trust, adopted May 14, 2007, regarding Semi-Tractor Trailer parking at property located at 8913 Kleinman Avenue, Highland. Under the terms of the Use covenant, the non-conforming use in which semi tractor trailers were permitted to park at the residence at 8913 Kleinman Avenue in consideration of Mrs. Grace Scheeringa, the resident of the home at the site. Mrs. Scheeringa was recently deceased and pursuant to the Covenant's terms, the non-conforming use is to end. Mr. Ken Scheeringa recently appealed to the Town Council for the extension of the non-conforming use. The Town Council may wish to act on the request and or offer instructions on the timetable for compliance with the terms of the Use Restriction and Covenant as adopted.

With leave from the Town Council, the Town Council attorney offered an overview of the matter, noting that the Mr. Scheeringa had requested that the agreement be extended.

Councilor Vassar moved to deny the request for extension as presented and that no further trucks be permitted to park at the site beyond June 30, 2008. Councilor Novak seconded. Upon a roll call vote, there were three affirmatives, no negatives and one abstention. With Councilors Vassar, Novak and Zemen voting in the affirmative and Councilor Kuiper abstaining, the motion passed. The agreement would not be extended and parking was to cease by June 30, 2008.

Councilor Kuiper explained that he would be abstaining from the vote as members of the Scheeringa family work for him part-time and he has provided funeral services to the family.

5. Action to cancel the meeting of May 26, 2008 in observance of Memorial Day, pursuant to HMC § 30.27 (C). Councilor Novak moved to cancel the meeting of May 26. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The meeting was cancelled.

Committee Reports

Councilor Dan Vassar: Parks and Recreation Board Liaison • Building and Inspection Committee • Plan Commission member.

With leave from the Town Council, Councilor Vassar commented unfavorably about efforts he described as people "who wished this Town Council to fail" in consequence of the last election.

Councilor Vassar reported for the Parks and Recreation Department that the USA Trampoline and Tumbling Meet mini Olympic qualifications would be conducted Friday and Saturday, May 16-17, 2008; Serbian American National Federation Basketball Tournament was scheduled for Lincoln Center at the Field house. It was also noted that the liaison position for Parks and Recreation would now be Councilor Herak.

Councilor Brian Novak: • Waterworks Board Liaison • Fire Personnel Committee Lake County Solid Waste Management District Board of Directors member • Insurance Committee, member.

Councilor Novak reported that smoke testing was progressing quickly; Street paving for the season has begun.

Councilor Konnie Kuiper: Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.

Councilor Kuiper reported that the special enforcement unit was in place for neighborhoods that are experiencing disregard of speeding limits or stop signs, should contact the Metropolitan Police Department to access this program; taser training is underway.

Councilor Bernie Zemen: Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.

The Town Council President reported that the Redevelopment Commission was in receipt of the deed for the Bult Oil site on Street. The Redevelopment Commission would soon be seeking considering is disposition for redevelopment.

Comments from the Public for Matters not on the Agenda

1. Joseph Wszolek, 3731 42nd Place, Highland, inquired whether or not the Town of Highland was allowed to participate in the Request for development proposals being sought by City of Hammond for the now reclaimed former River Park Apartments sites. He further inquired about the status of the repayment of the cost assignment expenses (loan) borne by the Town of Highland as a partner in the reclamation project. Mr. Wszolek further inquired about the proposed uses of the money once repaid.

Mr. Wszolek inquired about the source of funding for the approved purchase of the property and house at 3319 Ridge Road.

Mr. Wszolek inquired about how the purchase aligned with the priorities of the Town Council and inquired about the status of the sewer and flooding issue.

Mr. Wszolek still further inquired about the source of funding identified for the Town's share of the Federal Aid Kennedy Avenue Reconstruction Project slated for the current year.

2. Jim Diehl, 10104 Kennedy Avenue, Highland, expressed his difficulty in hearing the proceeding and asked that the Town Council improve the sound system. He further opined that 36 culverts on the north side of US 30 are insufficient and lead to flooding even at his yard.

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period April 29, 2008 through to May 12, 2008. Councilor Vassar

seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$234,098.39; Motor Vehicle Highway and Street (MVH) Fund, \$25,421.68; Local Road and Street Fund, \$172.79; FSA Agency Fund, \$2,700.88; Insurance Premium Fund, \$96,714.80; Information and Communications Technology Fund, \$5,777.88; Donation Fund, \$78.90; Municipal Cumulative Capital Development Fund, \$589.00; Traffic Violations Agency Fund, \$2,760.00; Municipal Cumulative Street Fund, \$400.00; Payroll Fund, \$45.28; Total: \$ 369,523.60.

Adjournment. Councilor Kuiper moved that the meeting be adjourned. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular meeting of the Town Council meeting of Monday, May 12, 2008 was adjourned at 8:44 O'clock p.m.

There was no study session following the meeting.

Michael W. Griffin, IAMC/CMC/CPFA
Clerk-Treasurer